

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Citadel Construction Corp.,

Plaintiff,

- against -

Classic Design &
Fabrication,
Inc. et al.,

Defendants.

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ELECTRONICALLY FILED
DOC #:
DATE FILED 5-5-10

ORDER

09 Civ. 0448 (VM)

VICTOR MARRERO, United States District Judge.

At a status conference held before this Court on February 5, 2010, the Court directed Citadel Construction Corporation ("Citadel") to submit an amended complaint by February 26, 2010, reflecting the parties' understanding of the applicability of state lien law to the matter at issue. The Court provided that if defendants objected to the applicability of state lien law as stated in the amended complaint, they should submit a letter brief noting their objections by March 8, 2010. Upon review of the docket, the Court finds that neither Citadel nor defendants made any submissions to the Court following that conference.

The Court held a phone conference on May 5, 2010, in which counsel for Citadel informed the Court that Citadel, having been foreclosed upon, no longer exists. Accordingly, based on the representations of counsel, it is hereby

ORDERED that this action be dismissed without prejudice.

The Clerk of Court is directed to withdraw any pending motions and to close this case.

Dated: May 5, 2010
New York, New York


VICTOR MARRERO
U.S.D.J.